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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,779	12/14/2005	Masato Suzumura	126326	7393

25944 7590 06/26/2008

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EXAMINER	
TRAN, DALENA	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,779	SUZUMURA ET AL.	
	Examiner	Art Unit	
	Dalena Tran	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 9-11* is/are rejected.

7)☒ Claim(s) *7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/14/05,9/6/06,8/22/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10560779	12/14/05	SUZUMURA ET AL.	126326

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EXAMINER
Dalena Tran

ART UNIT	PAPER
3664	20080621

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-11 are pending.

The prior art submitted on 12/14/05, 9/6/06, and 8/22/07 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, and 9-11, are rejected under 35 U.S.C.103(a) as being unpatentable over Nishizaki et al. (US 2001/0011201A1) in view of Tajima et al. (US 2004/0200662A1).

As per claim 1, Nishizaki et al. disclose a device for controlling a behavior of a vehicle having a vehicle body, wheels and a steering apparatus being able to steer a wheel independently of a driver's steering operation, the device comprising a portion of calculating a provisional target steering angle for wheels based upon an amount of an operation of a driver and a predetermined steering characteristic (see [0060-0062]); a detector of detecting an actual value for the turning state parameter; a portion of calculating a target value for the turning state parameter; a portion of calculating a target steering angle for wheels for reducing a magnitude of a deviation of the actual turning state parameter from it target value when the magnitude of the deviation is at a reference value or above (see [0069-0073]; and [0078-0080]). Nishizaki et al. do not disclose controlling a steering angle. However, Tajima et al. disclose a portion of controlling a

steering angle based upon the target steering angle; and wherein, during execution of controlling the steering angle based upon the target steering angle, the target turning state parameter calculating portion calculates the target value of the turning state parameter based upon the provisional target steering angle (see [0008-0013]; and [0017-0018]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nishizaki et al. by combining controlling a steering angle for controlling vehicle stability.

As per claim 2, Tajima et al. disclose when the magnitude of the deviation of the turning state parameter is lower than the reference value, the steering angle controlling portion controls the steering angle of wheels through the steering apparatus based upon the provisional target steering angle (see [0019-0024]).

As per claims 3 and 9, Tajima et al. disclose a detector of detecting an actual steering angle of wheels, wherein the target turning state parameter calculating portion calculates the target value of the turning state parameter based upon the target steering angle when no steering control of wheels based upon the target steering angle is executed (see [0030-0032]).

As per claims 4 and 10-11, Tajima et al. disclose the provisional target steering angle is a sum of a steering angle of wheels corresponding to the amount of the operation of the driver and a control steering angle for accomplishing a predetermined steering characteristic (see [0061-0063]; and [0079-0084]).

4. Claims 5-6, are rejected under 35 U.S.C.103(a) as being unpatentable over Nishizaki et al. (US 2001/0011201A1), and Tajima et al. (US 2004/0200662A1) as applied to claim 1 above, and further in view of Tsuechara et al. (6208921).

As per claim 5, Nishizaki et al. do not disclose braking and driving forces. However, Tsuechara et al. disclose a portion of controlling braking and driving forces on the respective wheels (see column 2, lines 23-67); a portion of calculating a total target amount of a stability control based upon the turning state parameter deviation for reducing the magnitude thereof (see the abstract; and column 6, lines 5-67); a portion of dividing the total target stability control amount into target stability control amounts each for steering control of wheels and braking and driving force control at a predetermined ratio (see columns 4-5, lines 51-17); and wherein the target steering angle calculating portion calculates the target steering angle based upon the target stability control amount of steering control of wheels (see column 1, lines 47-67); the steering angle controlling portion controls the steering angle of wheels based upon the target steering angle through the steering apparatus (see columns 3-4, lines 36-50); and the braking and driving force controlling portion controls braking and driving forces on the respective wheels based upon the corresponding target values calculated based upon the target stability control amount of braking and driving force control (see columns 5-6, lines 18-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nishizaki et al. by combining braking and driving forces for vehicle behavior control.

As per claim 6, Tajima et al. disclose a detector of detecting an actual steering angle of wheels; wherein, when the steering apparatus can not steer the wheels independently of a driver's steering operation, the target turning state parameter calculating portion calculates the target turning state parameter based upon the actual steering angle and the dividing portion assigns the total target stability control amount

only to the target stability control amount for braking and driving force control (see [0057-0060]).

5. Claims 7-8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Nishizaki et al. (6470250)

. Ishida et al. (5642281)

. Tanaka et al. (6584397)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/
Primary Examiner, Art Unit 3664
June 21, 2008